

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Richardson	Team: Squad #7	CCRB Case #: 201805446	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/04/2018 9:30 PM	Location of Incident: Hawthorne Street between Rogers Avenue and Nostrand Avenue	Precinct: 71	18 Mo. SOL 1/4/2020	EO SOL 1/4/2020	
Date/Time CV Reported Mon, 07/09/2018 9:27 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/09/2018 9:27 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mario Bueno	11861	960290	071 PCT
2. LT William Diab	00000	940125	071 PCT
3. POM Sean Needham	25649	950940	071 PCT
4. An officer			071 PCT
5. POM Thomas Owens	08023	961051	071 PCT
6. POM Sohaib Rasool	19491	959920	071 PCT
7. Officers			071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Tiffany Gonzalez	04116	955957	071 PCT
2. POM Keon Franks	12714	955926	071 PCT
3. POM Anderson Thimote	16504	957399	071 PCT
4. POM Michael Ohalloran	12875	956137	071 PCT
5. POM Steven Caraballo	21893	952545	071 PCT
6. POF Jennifer Proctor	06626	961553	071 PCT
7. SGT Juanita Castillo	00074	932321	071 PCT
8. POM Daniel Oh	02508	953195	071 PCT
9. SGT Anthony Blum	00426	948681	071 PCT
10. SGT Martin Cunningham	02100	946888	071 PCT
11. SGT Joseph Naranjo	04192	952045	071 PCT
12. POF Taisha Skyers	19146	943820	071 PCT
13. POF Mariangela Graffagnino	08863	960613	071 PCT
14. POM Stephen Schmitt	12418	956245	071 PCT
15. POF Sashawn Clarke	19957	958413	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mario Bueno	Abuse: Police Officer Mario Bueno arrested § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
B.POM Mario Bueno	Force: Police Officer Mario Bueno used physical force against § 87(2)(b)	
C.POM Thomas Owens	Force: Police Officer Thomas Owens used physical force against § 87(2)(b)	
D.POM Sean Needham	Force: Police Officer Sean Needham used physical force against § 87(2)(b)	
E.LT William Diab	Discourtesy: Lieutenant William Diab spoke discourteously to § 87(2)(b)	
F. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
G.POM Sean Needham	Discourtesy: Police Officer Sean Needham spoke discourteously to § 87(2)(b)	
H. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
I.POM Sohaib Rasool	Force: Police Officer Sohaib Rasool used physical force against § 87(2)(b)	
J.LT William Diab	Force: Lieutenant William Diab used physical force against § 87(2)(b)	
K. An officer	Force: An officer used physical force against § 87(2)(b)	
L. An officer	Abuse: An officer deleted information on § 87(2)(b)'s electronic device.	

### Case Summary

On July 9, 2018, § 87(2)(b) filed this complaint with the CCRB via phone.

On July 4, 2018, at approximately 9:45pm, PO Mario Bueno, PO Thomas Owens, PO Sean Needham, PO Sohaib Rasool, Lt. William Diab, Sgt. Juanita Castillo, Sgt. Joseph Naranjo, PO Mariangela Graffagnino, PO Sashawn Clarke, PO Steven Caraballo, and PO Jennifer Proctor- all of the 71<sup>st</sup> Precinct- responded to § 87(2)(b) in Brooklyn, due to a call for backup due to crowd control at the location. PO Bueno approached § 87(2)(b) and after a brief verbal exchange attempted to place him under arrest (**Allegation A; Abuse of Authority, § 87(2)(g)**). A physical struggle ensued, in which PO Bueno and PO Owens allegedly threw § 87(2)(b) on the front hood of a parked vehicle and then took him down to the ground (**Allegations B and C; Force, § 87(2)(g)**). PO Needham instructed individuals at the location to disperse from the area, and when he saw § 87(2)(b) approached her and allegedly shoved her twice on her shoulder area (**Allegation D; Force, § 87(2)(g)**). Lt. Diab then approached § 87(2)(b) who was standing near a lit flaming BBQ grill and allegedly asked her, “Is this yours, is this your shit” (**Allegation E; Discourtesy, § 87(2)(g)**). An unidentified officer allegedly told § 87(2)(b) “Clean this shit up, clean this shit up”, and another unidentified officer allegedly told § 87(2)(b) “Well if you put the fucking phone down, and stop fucking recording, you can clean this fucking shit up” (**Allegation F; Discourtesy, § 87(2)(g)**). PO Needham allegedly told § 87(2)(b) “Yup, this shit is over. It’s over” (**Allegation G; Discourtesy, § 87(2)(g)**). As § 87(2)(b) was being placed under arrest an unidentified officer stated, “Put your hand behind your fucking back” (**Allegation H; Discourtesy, § 87(2)(g)**). § 87(2)(b) approached as § 87(2)(b) was being handcuffed and PO Rasool used his hands to push § 87(2)(b) back and away from the apprehension (**Allegation I; Force, § 87(2)(g)**). Lt. Diab then tackled § 87(2)(b) to the ground and punched him in his face (**Allegation J; Force, § 87(2)(g)**). While § 87(2)(b) was being apprehended, an unidentified officer punched § 87(2)(b) in his midsection area (**Allegation K; Force, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were all placed under arrest and transported to the 71<sup>st</sup> Precinct stationhouse. When § 87(2)(b) was released, she obtained her property and noticed that the video she recorded in regards to this incident had been deleted (**Allegation L; Abuse of Authority, § 87(2)(g)**).

There was video footage obtained in regards to this incident. Camera footage recorded by witness § 87(2)(b) and provided to the investigation by § 87(2)(b) surveillance footage from the exterior cameras attached to § 87(2)(b) as well as NYPD body-worn camera footage was obtained in regards to this incident.

### Findings and Recommendations

**Allegation A: Abuse of Authority: Police Officer Mario Bueno arrested § 87(2)(b)**

**Allegation B: Abuse of Authority: Police Officer Mario Bueno used physical force against § 87(2)(b)**

**Allegation C: Abuse of Authority: Police Officer Thomas Owens used physical force against § 87(2)(b)**

The investigation was unable to obtain sworn statements from § 87(2)(b) and § 87(2)(b). § 87(2)(b) refused to provide any contact information or resident addresses for all

of the aforementioned individuals. Their corresponding arrest reports in regards to this incident provided resident addresses but no contact numbers. A CLEAR database search confirmed their resident address and only provided possible contact numbers for § 87(2)(b). The undersigned exhausted all contact attempts to these individuals but the investigation received no response.



snag it of § 87(2)(b).mp4

(Board Review 19)

The video above is surveillance footage from an exterior camera attached to § 87(2)(b). This video captures how the interaction between PO Bueno and § 87(2)(b) began. § 87(2)(b) is seen riding his bicycle from Rogers Avenue towards Nostrand Avenue as PO Bueno is running from Nostrand Avenue towards the middle of the block. At the 00:08 mark, as both individuals come closer, PO Bueno stops and approaches § 87(2)(b) simultaneously as § 87(2)(b) gets off his bicycle and drops it to the floor. Beginning at the 00:15 mark, they stand face to face for a few seconds as PO Bueno gets closer to § 87(2)(b) and as § 87(2)(b) steps back, PO Bueno appears to grab § 87(2)(b) as PO Owens approaches and a struggle ensues between two parked vehicles. However due to the angle of the camera, details of the struggle are not able to be seen.



snag it of § 87(2)(b).mp4

(Board Review 20)

The video above was recorded by a witness § 87(2)(b) and provided to the investigation by § 87(2)(b). The video above shows at the 00:01 mark, § 87(2)(b) and PO Bueno standing really close to each other face to face. Beginning at the 00:03 mark, it then shows what appears to be a physical struggle with § 87(2)(b) and several officers including PO Bueno and PO Owens. At the 00:07 mark, the struggle takes place near the front of a parked vehicle but it is unable to be seen if § 87(2)(b) was ever thrown onto the front hood of a vehicle. At the end of the video, § 87(2)(b) is no longer able to be seen but officers are standing on the sidewalk near the parked vehicle looking down towards the ground. Other officers are seen standing in front of the parked vehicle telling civilians to get back.

§ 87(2)(b) testified that on July 4, 2018, at approximately 8:15pm, she and approximately ten of her friends gathered in front of § 87(2)(b) and she began to cook food on two small square charcoal BBQ grills. These grills were on the public sidewalk. § 87(2)(b) acknowledged that there were fireworks being lit in the area and that there was music playing from a Bluetooth speaker which was positioned next to grills at a “kind of loud” volume. At

approximately 9:30pm, as she was continuing to cook food on the grill, § 87(2)(b) observed uniformed officers in unmarked vehicles driving up from Rogers Avenue and then double park further down the block towards Rogers Avenue. § 87(2)(b) observed these officers walking up the block towards the area where the BBQ grill was and at the same time observed a lot more uniformed officers on foot approaching her area from Nostrand Avenue. § 87(2)(b) heard a lot of commotion going on from behind her, in that, she heard a bunch of people in her immediate area start yelling, “Yo, yo, yo.” § 87(2)(b) observed a group of people walking across the street to where there were a few officers standing. § 87(2)(b) took out her cell phone and began to record what was happening while approaching the area where the loud noise was coming from. She observed § 87(2)(b) s front upper area of his body on the hood of a parked vehicle car and then observed him being slid onto the ground, with his chest area hitting the curb of the sidewalk. § 87(2)(b) stated he was later informed by § 87(2)(b) that the officers threw § 87(2)(b) into the front hood of the parked vehicle.) § 87(2)(b) was on the ground with a group of officers standing around him. The officers then lifted him up and walked him across the street; § 87(2)(b) did not recall in which direction or if § 87(2)(b) s hands were behind his back. (Board Review 01)

PO Bueno prepared the arrest report for § 87(2)(b) charging him with § 87(2)(a) 160.50

§ 87(2)(b). The narrative in the arrest report reads: § 87(2)(a) 160.50

(Board Review 35)

PO Bueno testified that on July 4, 2018, at approximately 9:45pm, he received a radio run of a request for an additional unit for at § 87(2)(b) PO Bueno didn’t recall any other information that might been communicated at that time or the reason why they wanted additional units to arrive. Upon arrival, PO Bueno exited his vehicle, which was parked on Nostrand Avenue, and ran down Hawthorne Street towards § 87(2)(b) which was in the middle of that block. While he was running he observed a group of approximately five civilians just standing on the sidewalk in front of § 87(2)(b) yelling at officers (not able to say what they were yelling), and officers in the street (didn’t recall who or what they were doing at this time). Based on these observations PO Bueno realized the call for an additional unit was for a disorderly crowd- loud music playing and the civilians were yelling at the officers. As PO Bueno was running, § 87(2)(b) was riding his bike alone in the middle of the street in PO Bueno’s direction. While approximately two-three feet away from PO Bueno, § 87(2)(b) stated something to him, but PO Bueno didn’t hear it. In response to § 87(2)(b) PO Bueno stopped running and asked him what did he say, as he was standing approximately two feet away from him. § 87(2)(b) said, “Why the fuck you running”, and PO Bueno stated what do you mean. § 87(2)(b) got off his bike, dropped it to the floor and raised his voice at PO Bueno saying, “Let’s fight.” Because of these actions and § 87(2)(b) s statement, he believed § 87(2)(b) wanted to fight him. PO Bueno could not recall what else § 87(2)(b) stated. PO Bueno did not recall if during the conversation the distance between became closer.

PO Bueno asked § 87(2)(b) for his ID because he was acting disorderly with violent and threatening behavior, so he intended on issuing him a disorderly conduct summons. PO Bueno confirmed this was the only reason he asked him for his ID at this point. PO Bueno stated no civilians were surrounding them at that time. § 87(2)(b) stated, “No.” PO Bueno asked § 87(2)(b) to put his arms behind his back, because since § 87(2)(b) refused to provide his ID, he needed to be transported to the 71<sup>st</sup> Precinct stationhouse so he could be identified. However, § 87(2)(b) refused to comply. PO Bueno did not recall how many times he asked him to do this. PO Bueno wrapped his arms around § 87(2)(b) and grabbed both his wrists in an effort to handcuff him due to him refusing to provide his ID. § 87(2)(b) physically resisted by flailing and tightening his arms, and walking towards the sidewalk as he was being grabbed. PO Owens arrived, and after struggling with § 87(2)(b) for approximately a minute, § 87(2)(b)'s legs were tripped so he fell to the ground. However, PO Bueno did not remember which officer performed this action. Both officers and § 87(2)(b) fell down to the ground- half of § 87(2)(b)'s body on the sidewalk and the other half on the street. PO Bueno fell on top of § 87(2)(b) but did not recall if § 87(2)(b) fell chest first or back first. They kept giving him directives to put his hands behind his back until § 87(2)(b) finally complied and did. They were on the ground for approximately 40 seconds before he was handcuffed. PO Bueno did not remember who actually handcuffed him. PO Bueno did not recall throwing § 87(2)(b) onto the front hood of any vehicle and did not recall if § 87(2)(b) was ever on the front hood of a vehicle. PO Bueno and PO Owens picked him up from the ground and walked him towards their vehicle. They then left the scene and went to the 71<sup>st</sup> Precinct stationhouse.

PO Bueno was presented with both videos documented above. In both videos, PO Bueno identified himself as the officer standing close to § 87(2)(b) and stated that he stopped running because § 87(2)(b) said something and when they were standing face to face, § 87(2)(b) was cursing at him and telling him to fight him. PO Bueno asked him for his ID while standing face to face with him and when § 87(2)(b) refused he grabbed him and the struggle he described above ensued. Seeing the video didn't spark any recollection of throwing § 87(2)(b) onto the hood of the nearby parked vehicle. (Board Review 02)

PO Bueno created TRI § 87(2)(b) in regards to his interaction with § 87(2)(b). On the report it is documented that § 87(2)(b) pushed against officers and that PO Bueno forcibly took him down to the ground while apprehending him, and that the reason for this force was defense of himself as well as other officers. PO Bueno confirmed that the forcible take down documented on the report referred to tripping § 87(2)(b)'s legs and having him fall to the ground. (Board Review 14)

PO Owens's testimony was consistent with that of PO Bueno's with the following exceptions: due to him having to park the vehicle and exiting the vehicle after PO Bueno, he did not observe the initial interaction with § 87(2)(b) and PO Bueno. As PO Owens ran down the street he observed § 87(2)(b) and PO Bueno in the middle of the street yelling back and forth (couldn't understand what they were saying) while PO Bueno was trying to put him into handcuffs, in that, his hands were wrapped around § 87(2)(b)'s upper body while demanding for him to put his hands behind his back. PO Owens observed them interact approximately seven seconds before actually reaching them. § 87(2)(b) took a fighting stance towards PO Bueno but when asked to describe it, PO Owens was unable to. PO Owens didn't recall seeing § 87(2)(b) have his hands

up during the verbal exchange or blade his body during the exchange. PO Bueno was behind § 87(2)(b) as this was happening. PO Owens did not know why § 87(2)(b) needed to be placed in handcuffs at this point but stated he needed to assist his partner. § 87(2)(b) did not comply and physically resisted by moving his body and arms trying to get out of the grasp. PO Owens took his handcuffs out and put one cuff on § 87(2)(b)'s right wrist, but couldn't get his left wrist because § 87(2)(b) kept moving it away. PO Bueno then let go of the hug and with the assistance of PO Owens, pushed § 87(2)(b)'s chest against the hood of a parked vehicle. PO Owens didn't recall if he or PO Bueno performed that action, but denied that § 87(2)(b) was ever thrown onto the hood of the vehicle. After three-five seconds, they lifted him from the hood of the vehicle, and performed a takedown to bring him down to the ground, by putting their weight onto him and guiding him to the ground. They did this to get better leverage in handcuffing him since he was resisting. § 87(2)(b) went down to the ground chest first. PO Bueno went to the ground with § 87(2)(b) but did not fall on top of him and PO Owens did not fall to the ground at all. Approximately five seconds later, the officers were able to grab his left arm and successfully handcuff him. PO Owens did not handcuff § 87(2)(b) and did not know who did stated he didn't recall if other officers were physically helping at this time. PO Owens did not recall a crowd forming while they were struggling with § 87(2)(b) (Board Review 03)

PO Clarke, PO Gonzalez, PO Proctor, PO Caraballo, PO Rasool, PO Graffagnino, PO Needham, Sgt. Castillo, Sgt. Naranjo, and Lt. Diab all testified they didn't recall observing the apprehension of § 87(2)(b) (Board Review 04-13)

Penal Law 240.20 (1) indicates that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he engaged in fighting or in violent, tumultuous or threatening behavior. (Board Review 15)

A critical factor for disorderly conduct, is a finding that the defendant's disruptive statements and behavior were of a public rather than an individual dimension. People v Baker, 20 NY3d 354 (2013) (Board Review 34)

Isolated statements using coarse language to criticize the actions of a police officer, unaccompanied by provocative acts or other aggravating circumstances, will rarely afford a sufficient basis to infer the presence of the "public harm" component necessary to support a disorderly conduct charge. People v Baker, 20 NY3d 354 (2013) (Board Review 34)

"Force may be used when it is reasonable to ensure the safety of a member of the service, or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances." Patrol Guide Procedure 221-01 (Board Review 16)

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation D: Abuse of Authority: Police Officer Sean Needham used physical force against**

§ 87(2)(b)

§ 87(2)(b) testified that while she was standing in the street in front of § 87(2)(b) she was still recording the incident on her cell phone. PO Needham, who was also standing in the street, was telling civilians to disperse from the area. He then turned around and started walking towards § 87(2)(b) while stating, “Back up, back up.” § 87(2)(b) stated, “I have the right to record”, and PO Needham kept saying, “Back up, back up” and then used both his hands and shoved § 87(2)(b) on her shoulders two times which caused § 87(2)(b) to stumble back, but not fall. § 87(2)(b) then walked back on the sidewalk in front of § 87(2)(b) where an active lit BBQ grill was.

PO Needham testified that when he received the radio run for backup due to crowd control at § 87(2)(b) it took him approximately 1-2 minutes to arrive at the location. PO Needham observed a large crowd of approximately twenty-five individuals standing in the middle of the street and on the sidewalk at the location acting disorderly, in that they appeared to be intoxicated, standing in groups so pedestrians were not able to walk pass them, and they were



screaming and cursing at the officers saying statements such as, “Why the fuck are you doing this”, and “Stop bothering us.” PO Needham stated he observed other officers, telling the civilian to disperse, however they were not complying. PO Needham assisted in helping the crowd disperse and have them vacate the location. As he was doing this, he observed § 87(2)(b) standing in the street in front of § 87(2)(b) with her phone in her hand and her arm extended, in that she appeared to be recording the incident. PO Needham told her, “Mam you have the right to record, but do me a favor, you can’t be in the street.” § 87(2)(b) responded by putting the phone near PO Needham’s face, but stood standing in the street. PO Needham put his fingers on § 87(2)(b)’s shoulders and then guided her to the sidewalk. When asked to further describe this, PO Needham stated he pressed his middle finger and index finger on her shoulder and guided her to the sidewalk. PO Needham stated § 87(2)(b) is a very small woman and he did not use any strength of force when doing this. PO Needham denied pushing or shoving § 87(2)(b) during this incident, and he did not observe § 87(2)(b) stumble back as a result of his contact with her. § 87(2)(b) walked to the sidewalk as a result of PO Needham’s physical guidance. PO Needham then continued in telling other civilians to disperse from the area. ((Board Review 04)

All of the other officers testified that they observed PO Needham on scene, but did not see him have a verbal or physical interaction with § 87(2)(b). They were neither informed by PO Needham nor § 87(2)(b) of the above described interaction.

§ 87(2)(g)  
[REDACTED]

**Allegation E: Discourtesy: Lieutenant William Diab spoke discourteously to § 87(2)(b)**

**Allegation F: Discourtesy: Officers spoke discourteously to § 87(2)(b)**

**Allegation G: Discourtesy: Police Officer Sean Needham spoke discourteously to § 87(2)(b)**



snag it of § 87(2)(b).mp4

(Board Review 21)

Body-worn camera footage recorded by PO Caraballo captured the interaction with § 87(2)(b) and officers near the BBQ grill. The footage shows § 87(2)(b) walking near a table with food and a BBQ grill as an unidentified officer is heard asking § 87(2)(b) to clear the block twice. Beginning at the 00:09 mark, § 87(2)(b) responds, “I heard you.

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What do you expect me to do? Snap my fingers. I have to clean up right.” PO O’Halloran responds by telling § 87(2)(b) to put the phone down and to clean up. § 87(2)(b) tells him that she is recording, and PO O’Halloran tells her that she could record and put her burgers away. § 87(2)(b) tells them to wait. At the 00:22 mark, Sgt. Naranjo and § 87(2)(b) have a brief verbal exchange in which he tells her to clean up and she asks if she is a genie and that it takes time. Several officers are heard repeatedly telling § 87(2)(b) to clean up but § 87(2)(b) continues to verbally object. Beginning at the 00:56 mark, Lt. Diab is then seen asking § 87(2)(b) several questions including: “Mam, is this yours”, several times, and after she does not respond, he asks her for her ID several times. § 87(2)(b) does not produce it and asks Lt. Diab, “Did you hear me take ownership of it.” At the 01:21 mark, Lt. Diab directs officers to handcuff § 87(2)(b).

§ 87(2)(b) testified that as she was standing by an active lit BBQ grill and a table with food on it, she observed Lt. Diab approaching her. Lt. Diab screamed, “Is this yours, is this your shit,” while pointing towards the grill and the food. § 87(2)(b) did not respond and instead kept turning her body away from Lt. Diab to try and keep recording. Lt. Diab continued to ask her if the grill belonged to her but she did not respond. An additional four officers, including PO Needham, approached § 87(2)(b) and Lt. Diab. An officer stated to § 87(2)(b) “Clean this shit up, clean this shit up.” § 87(2)(b) responded, “I’m not a fucking genie, I can’t snap my finger and make the food disappear.” Another officer then stated, “Well if you put the fucking phone down, and stop fucking recording, you can clean this fucking shit up.” Simultaneously, PO Needham picked up a gallon of water and poured water on the grill, dousing the flame. § 87(2)(b) stated, “So you just gonna pour water in my food like that?” PO Needham stated, “Yep this shit is over. It’s over.” Lt. Diab stated, “Oh, so you claiming ownership for this. You got a fucking permit for this?” § 87(2)(b) stated, “I don’t need a permit for this. This ain’t my fucking BBQ.” Lt. Diab directed officers to arrest § 87(2)(b). § 87(2)(b) was handcuffed and transported to the 71<sup>st</sup> Precinct stationhouse.

Lt. Diab testified that as he was near § 87(2)(b) he observed an open flame and smoke emanating from an active lit BBQ grill on the sidewalk towards the left-hand side of the entrance to the building. He observed § 87(2)(b) as the only civilian in the area overseeing the BBQ grill and cooking food. Lt. Diab asked, “Mam is that your barbeque” but § 87(2)(b) ignored him. Lt. Diab asked several more times but § 87(2)(b) continued to ignore him. Lt. Diab then asked § 87(2)(b) to put out the flame in the BBQ grill but she ignored him again. Lt. Diab then asked for her ID, because he was going to issue her a summons for the open flame. However, § 87(2)(b) ignored his requests. Lt. Diab then stated, “Lock her up.” Lt Diab didn’t recall saying the word “shit” when asking § 87(2)(b) if the BBQ grill was hers. Lt. Diab denied saying any curses towards § 87(2)(b) and denied hearing PO Needham or any officer curse at § 87(2)(b) during this incident. (Board Review 05)

PO Needham’s testified that as he was conducting crowd control, he observed a lit flaming BBQ grill on the sidewalk. He observed Lt. Diab asking § 87(2)(b) who the grill belonged to. However, § 87(2)(b) ignored the questions and didn’t respond. PO Needham grabbed a bottle of water and poured it over the flame, extinguishing it. § 87(2)(b) then stated the

grill was hers and Lt. Diab asked her for ID. § 87(2)(b) refused to present her ID and Lt. Diab ordered officers to place her under arrest. PO Needham did not hear Lt. Diab utter any curses towards § 87(2)(b) PO Needham didn't recall if he told § 87(2)(b) "This shit is over", and he never heard any other officer curse towards § 87(2)(b) during this interaction.

PO Clarke, PO Gonzalez, PO Proctor, PO Caraballo, Sgt. Castillo, and Sgt. Naranjo who were all in the vicinity of the BBQ grill as Lt. Diab and § 87(2)(b) engaged in their verbal interaction, all testified that they never heard Lt. Diab, PO Needham, or any officer curse at § 87(2)(b) during this interaction.

PO Graffagnino and PO Rasool both testified they didn't recall any interaction with a BBQ grill and therefore had no knowledge if Lt. Diab, PO Needham, or any officer spoke discourteously to § 87(2)(b)

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation H: Discourtesy: An officer spoke discourteously to § 87(2)(b)**



Snag it of discourtesy to § 87(2)(b).mp4 (Board Review 22)

Body-worn camera footage recorded by PO Rasool captured what occurred as the officers were placing § 87(2)(b) under arrest. Officers are seen surrounding § 87(2)(b) and as they are

trying to handcuff him, at the 00:12 mark, an unidentified officer is heard saying, “Put your hands behind your fucking back.”

The officer who uttered the aforementioned statement is not visible in the video footage. All of the officers involved in this incident testified that they did not say the above-mentioned statement to § 87(2)(b) nor did they hear any officer say it. They all also testified that they did not recognize the voice of the officer in the video, and they didn’t recall which officers were involved in the apprehension of § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation I: Force: Police Officer Sohaib Rasool used physical force against § 87(2)(b)**

**Allegation J: Force: Lieutenant William Diab used physical force against § 87(2)(b)**

**Allegation K: Force: An officer used physical force against § 87(2)(b)**



snag it of § 87(2)(b) pushed and tackled.mp4

(Board Review 23)

Surveillance footage from an exterior camera of § 87(2)(b) captured the apprehension of § 87(2)(b) from an overhead vantage point. Beginning at the 00:00 mark, the footage shows § 87(2)(b) (male black wearing a white tank top) approaching very close to the officers while they are trying to apprehend § 87(2)(b). At the 00:09 mark, the apprehension moves to the ground and § 87(2)(b) is seen standing right above the apprehension and in-between officers and § 87(2)(b). At the 00:11 mark, PO Rasool is seen pushing § 87(2)(b) away, which causes § 87(2)(b) to take a couple steps back. At the 00:13 mark, Lt. Diab is then seen running from behind and in-between officers and then tackling § 87(2)(b) to the ground. Between the 00:17 and the 00:23 marks, while on the ground Lt. Diab is seen punching § 87(2)(b) to the face area twice as other officers surround them.



BWC snag it of tackle of § 87(2)(b).mp4

(Board Review 24)

Body-worn camera footage recorded by PO Clarke captured the apprehension of § 87(2)(b) from a street-level vantage point. At the 00:04 mark, § 87(2)(b) is seen approaching the apprehension of § 87(2)(b) and standing right next to officers as they gather around § 87(2)(b). At the 00:08 mark, when the apprehension moves to the ground, § 87(2)(b) is seen bent over the apprehension. PO Clarke’s view of the push seen in the surveillance footage is blocked and the next thing seen is Lt. Diab running towards § 87(2)(b) tackling him to the floor, at the 00:13 mark. Officers surround § 87(2)(b) and PO Clarke approaches § 87(2)(b) and holds his legs down so officers can handcuff him.



snag it of punch to § 87(2)(b).mp4

(Board Review 25)

Body-worn camera footage recorded by PO Rasool captured what occurred as the officers were placing § 87(2)(b) under arrest. § 87(2)(b) is on the ground as several officers are on the floor with him instructing him to stop resisting and to put his hands behind his back. At the 00:02 mark, an unidentified officer is seen on the ground positioned towards § 87(2)(b) mid-section area, striking § 87(2)(b) with a closed fist once to his body.

The narrative on § 87(2)(b)'s arrest report, #§ 87(2)(a) 160.50 indicating the following: § 87(2)(b)  
§ 87(2)(a) 160.50  
§ 87(2)(b)  
§ 87(2)(b) (Board Review 18)

PO Rasool testified that when he arrived on scene he stood in the middle of the street, facing the front entrance of § 87(2)(b) looking up to make sure no one was throwing items from an apartment or roof. He did this for approximately two minutes until he observed a 'commotion' on the sidewalk, to the left of the entrance of § 87(2)(b). He described commotion as a loud noise and a bunch of officers gathered with movement while stating, "Get back, get back." PO Rasool approached the area and when he got on the sidewalk he realized officers were attempting to put § 87(2)(b) under arrest. PO Rasool observed approximately four-five officers around § 87(2)(b) attempting to put him in handcuffs. PO Rasool stood a couple feet away from the apprehension, securing the area, making sure officers were safe and no one interfered. Within two minutes, § 87(2)(b) approached from the street and stood within arm's length of § 87(2)(b)'s apprehension. § 87(2)(b) put his hand on the back/shoulder area of an officer and stood in between officers and the apprehension. PO Rasool understood § 87(2)(b) to be trying to interfere in § 87(2)(b)'s arrest. PO Rasool used two hands and pushed § 87(2)(b) back in his upper body area, while saying, "Get back." PO Rasool did this because § 87(2)(b) was too close to the arrest trying to interfere with it, so PO Rasool had to make sure he didn't and because PO Rasool wanted to ensure that the officers involved were safe. As a result of the push, § 87(2)(b) moved back but was still standing. As he pushed § 87(2)(b) PO Rasool's body worn camera, which was attached to his chest area, fell off. PO Rasool turned around and walked back to pick up his camera from the ground, so his sight was no longer on § 87(2)(b). PO Rasool picked up his camera, and then turned back around to assist in the arrest of § 87(2)(b). When he turned around he saw § 87(2)(b) on his side on the ground already and approximately 5-6 officers over him telling him to stop resisting and to give them his hands. PO Rasool did not know how § 87(2)(b) ultimately made it the ground and was never informed of how. PO Rasool approached and saw an opening by § 87(2)(b)'s waist area. He observed PO Graffagnino and PO Clarke by § 87(2)(b)'s feet holding his legs down. Lt. Diab was by § 87(2)(b)'s chest area and he didn't recall what other officers were involved. PO Rasool observed § 87(2)(b) resist arrest by tensing up his arms and refusing to give his arms to officers. PO Rasool didn't observe any other resistance. PO Rasool observed officers grabbing and pulling § 87(2)(b)'s arms to overcome his resistance, and

observed a male officer punch § 87(2)(b). However, PO Rasool didn't recall who the officer was or where he punched § 87(2)(b). PO Rasool assisted by grabbing and pulling his arms behind his back and putting the handcuffs on him. PO Rasool stated the whole process lasted approximately 30 seconds. § 87(2)(b) was then lifted up from the ground, and walked to PO Rasool's vehicle on the corner of Nostrand and Hawthorne by PO Rasool and PO Graffagnino. § 87(2)(b) was then transported to the 71<sup>st</sup> Precinct where he was checked in at the front desk and lodged. (Board Review 06)

PO Rasool was presented with the surveillance footage depicting the apprehension of § 87(2)(b) during his CCRB testimony. PO Rasool identified himself as the officer pushing § 87(2)(b) back but couldn't identify the other officers who were surrounding § 87(2)(b) as PO Rasool pushed him. PO Rasool was also presented with his BWC footage and when his attention was brought to the section where an officer is seen striking § 87(2)(b) about the body, PO Rasool was also not able to identify him.

Lt. Diab testified that as § 87(2)(b) was being apprehended he observed § 87(2)(b) approach closely to the officers. Lt. Diab didn't recall how close he got to the apprehension but stated 'close enough' to make him feel like he was going to interfere with the arrest. While in the area, § 87(2)(b) made physical contact with the officers. Because of these actions, Lt. Diab believed § 87(2)(b) was trying to help § 87(2)(b) not get handcuffed. Lt. Diab tackled § 87(2)(b) down to the ground floor by wrapping his arms around his legs and waist and driving his shoulder into his body, using his weight so he would go down. Lt. Diab also fell with him and landed on top of him. Lt. Diab did not recall if he or any other officer gave any verbal commands to § 87(2)(b) before Lt. Diab tackled him. Lt. Diab didn't recall why he resorted to taking him to the ground at this point or if he tried anything else before taking him down to the ground. Additional officers were assisting in trying to handcuff him, but Lt. Diab didn't recall who or what actions they took to do this. Lt. Diab stated § 87(2)(b) was being arrested for OGA for trying to interfere with § 87(2)(b)'s arrest. § 87(2)(b) resisted by trying to push Lt. Diab off of him and not giving his hands to the officers. To overcome his resistance and to place him under control in handcuffs, Lt. Diab hand struck him about the upper body with his right hand; he didn't remember if it was closed hand or open hand and didn't recall if it was his about his face or shoulder area. Lt. Diab didn't recall if he attempted to handcuff him before striking him about the upper body, but stated that the male tried to get up immediately after being brought down to the ground. Because of this Lt. Diab felt threatened, so he struck him to stop him from getting up because he thought the male was going to get up "and beat his ass" so Lt. Diab feared for his safety. When asked if § 87(2)(b) attempted to strike him, Lt. Diab reiterated that § 87(2)(b) was trying to get up from the ground so, he thought § 87(2)(b)'s intention was to strike him- so he felt threatened for his safety and the other officers' safety. Lt. Diab did not recall how this male reacted to the hand strike but stated he was placed in handcuffs shortly after. Lt. Diab stated they were struggling with him for approximately five seconds until he was successfully handcuffed. Lt. Diab did not see any other officer hand strike § 87(2)(b). Lt. Diab then stood up and continued to assist in dispersing the crowd.

Lt. Diab was presented with the surveillance footage depicting § 87(2)(b) apprehension. Lt. Diab identified himself as the officer who tackled § 87(2)(b) to the ground and again stated he struck him to the upper body area because § 87(2)(b) was trying to get up from the ground. Lt. Diab was not able to identify which officers helped in apprehending § 87(2)(b).

PO Caraballo testified that as he was observing the apprehension of § 87(2)(b) he turned around and observed approximately five officers on the ground near the front entrance of § 87(2)(b). However, at that point he didn't know why. PO Caraballo approached to see what was happening and observed § 87(2)(b) on the ground already handcuffed. PO Caraballo didn't see how § 87(2)(b) ended up on the floor, his handcuffing process, or why he was being placed under arrest. PO Caraballo didn't observe PO Rasool push § 87(2)(b) back, Lt. Diab tackle him to the ground or punch him in the face, or any officer punch him about the body, nor was he informed of this. PO Caraballo helped lift § 87(2)(b) up from the ground, and § 87(2)(b) was walked off scene by officers he didn't recall. PO Caraballo didn't observe any injuries or blood to § 87(2)(b) and didn't hear him complain of being punched. § 87(2)(b) was then walked up the block by other officers he didn't recall. PO Caraballo was presented with the PO Rasool's BWC footage and when his attention was brought to the section where an officer is seen striking § 87(2)(b) about the body, PO Caraballo was also not able to identify him. (Board Review 07)

PO Clarke's testimony was consistent with that of PO Caraballo's with the following exceptions: she observed several officers running in front of § 87(2)(b) for an unknown reason. She approached to assist and she observed § 87(2)(b) face first on the ground with officers trying to grab for his hands. She observed § 87(2)(b) physically resist in that he refused to give his arms to the officers, tightened them up and kept them between his chest and the ground. § 87(2)(b) was also kicking his feet, which prompted PO Clarke to bend over and used her hands to hold down his legs. PO Clarke observed officers grabbing and pulling his arms in an effort to overcome § 87(2)(b)'s resistance. PO Clarke was only able to remember that PO Rasool was involved and she observed him grabbing § 87(2)(b) arm to try to put it in handcuffs. She didn't observe any officer punch § 87(2)(b) on any part of his body. PO Clarke didn't recall who handcuffed § 87(2)(b) but stated it was a fairly quick process. § 87(2)(b) was lifted up, and walked to her vehicle by herself and PO Rasool. PO Clarke didn't observe any injuries to § 87(2)(b) but stated later when they got to the 71<sup>st</sup> Precinct stationhouse, as they were lodging him, she observed blood on his white t-shirt but didn't recall where it was coming from. PO Clarke remembered § 87(2)(b) complaining about being punched when they were lodging him but she didn't recall § 87(2)(b) explaining when or by whom he was punched by. (Board Review 08)

PO Graffagnino's testified that when she arrived on scene she was at the corner of Nostrand Avenue and Hawthorne Street when she observed approximately four-five officers gathered closely together near § 87(2)(b). It appeared as if something was happening because there was a lot of movement but she couldn't tell exactly what. As she got closer she observed officers falling to the ground. She couldn't describe how they were falling, why/what caused

them to start falling, or what they were doing at this point. When she arrived near the officers, she observed § 87(2)(b) face first on the ground with officers trying to place him in handcuffs. PO Graffagnino never observed § 87(2)(b) attempt to or interfere with the apprehension of another individual and no officer informed her of such. PO Graffagnino didn't see any officer tackle § 87(2)(b) to the ground. All she saw at this time was the backs of a crowd of officers who were on the ground to the side of § 87(2)(b). Officers issued him verbal commands to stop resisting and to put his hands behind his back. § 87(2)(b) resisted arrest in that he was flailing his arms, tensing his arms, and kicking his legs. PO Graffagnino held down both his legs, at the rear knee area, so officers would be better able to control § 87(2)(b) body. Because PO Graffagnino was on the side of § 87(2)(b)'s legs and was looking down as she was applying pressure to his legs and the other officers were by § 87(2)(b) upper area facing him, she didn't have a view of what the officers were doing to overcome § 87(2)(b)'s physical resistance besides grabbing and pulling § 87(2)(b) arms behind his back. PO Graffagnino didn't observe any officer punch § 87(2)(b). After approximately a minute, § 87(2)(b) was successfully handcuffed, and walked off the scene. PO Graffagnino didn't observe any injuries or blood to § 87(2)(b) but stated, § 87(2)(b) complained of being punched by an officer in the face as he was being walked to the police vehicle. However, § 87(2)(b) didn't say who and PO Graffagnino didn't respond and didn't hear any officer respond.

PO Graffagnino was presented the surveillance footage depicting § 87(2)(b) apprehension. PO Graffagnino identified herself as the female officer running down Hawthorne Street towards the entrance of § 87(2)(b) as officers began to push § 87(2)(b) back. PO Graffagnino confirmed that she just arrived on scene and had no idea why § 87(2)(b) was being pushed back. PO Graffagnino confirmed the officer who tackled § 87(2)(b) to the ground as Lt. Diab. PO Graffagnino was standing right next to § 87(2)(b) as he was being tackled and was asked if after seeing the video if it sparked any recollection of the reason why and she stated she didn't recall seeing that. PO Graffagnino was also presented with BWC footage from PO Rasool depicting more of § 87(2)(b)'s apprehension. However, she didn't recognize the officer who punched § 87(2)(b) about the body. (Board Review 09)

Sgt. Naranjo testified that he observed an officer whom he didn't recall, attempt to apprehend § 87(2)(b) because § 87(2)(b) refused to disperse from the area. As the officer tried to apprehend him, § 87(2)(b) tried to run away and flee from the scene. The officer then took § 87(2)(b) to the ground and Sgt. Naranjo ran over to assist placing § 87(2)(b) into handcuffs. Sgt. Naranjo didn't recall how § 87(2)(b) was taken to the ground but § 87(2)(b) landed on his stomach. Sgt. Naranjo assisted by grabbing the male's hands trying to put them behind his back but § 87(2)(b) flailed his arms. Sgt. Naranjo didn't observe any officer punch § 87(2)(b). Sgt. Naranjo, Lt. Diab, and additional officers gave verbal commands to put his hands behind his back but § 87(2)(b) didn't comply. After a brief period of time § 87(2)(b) was successfully handcuffed, and Sgt. Naranjo helped to lift him up from the ground. Sgt. Naranjo observed a cut to his face but did not observe how he got it or what could have caused it. § 87(2)(b) didn't complain of any pain. Sgt. Naranjo instructed other officers remain with § 87(2)(b) while he assisted other officers in getting the civilians to disperse. Upon being presented with the surveillance footage, Sgt. Naranjo identified



Lt. Diab as the officer who tackled § 87(2)(b) to the ground. Sgt. Naranjo was unable to point himself out but stated he was involved. (Board Review 10)

PO Needham testified that as § 87(2)(b) was being placed under arrest he stood at the front entrance of § 87(2)(b) and told civilians to stay back. PO Needham didn't recall a physical struggle involving § 87(2)(b) and upon being shown § 87(2)(b)'s arrest photograph, stated he didn't recognize him as being on scene. Upon being shown the surveillance footage that captured the apprehension of § 87(2)(b) PO Needham didn't recall observing the physical struggle of § 87(2)(b) and was unable to identify any of the officers involved.

PO Proctor testified she didn't observe any physical struggle between any civilian and officers during this incident and that she was only instructed by Sgt. Castillo to transport § 87(2)(b) to the 71<sup>st</sup> Precinct stationhouse after he was already in handcuffs. PO Proctor didn't recall seeing § 87(2)(b) on scene and never observed his apprehension process. Upon being presented with the surveillance footage, PO Proctor stated she didn't observe the physical struggle between § 87(2)(b) and the officers because she was still further down the block by the BBQ grill. (Board Review 11)

Sgt. Castillo didn't recall observing a physical struggle between § 87(2)(b) and any officer while on scene. Upon being presented with both the surveillance footage and PO Rasool's BWC footage, Sgt. Castillo stated she didn't recall seeing the apprehension of § 87(2)(b) and stated she didn't recall where she was as § 87(2)(b) was being apprehended. Sgt. Castillo was unable to identify the officer who struck § 87(2)(b) about the body in the BWC footage. (Board Review 12)

Penal Law 195.05 indicates that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act. (Board Review 17)

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

In determining whether the use of force is reasonable, members of the service should consider the following:

the nature and severity of the crime/circumstances, actions taken by the subject, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight.  
*Patrol Guide Procedure 221-01 (Board Review 16)*

§ 87(2)(g)

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§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

**Allegation L: Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic device.**

§ 87(2)(b) testified that when she was placed in handcuffs an officer she didn't see grabbed her phone from her hands and placed her in handcuffs. After she was successfully handcuffed, PO Gonzalez and PO Franks walked § 87(2)(b) to their vehicle which was parked down the block towards Rogers Avenue. PO Gonzalez entered into the rear seat with § 87(2)(b) and PO Franks got in the driver seat. § 87(2)(b) observed her glasses in PO Gonzalez's hands and then she asked where is my phone, and PO Franks stated, "I got it." She was then transported to the 71<sup>st</sup> Precinct stationhouse. Upon arrival, she was logged in at the front desk and her property was put into a property bag. This property included her glasses, phone, house keys, and several ID cards she had on her person. Upon § 87(2)(b)'s release, she retrieved her property from the front desk of the stationhouse and when she checked her phone she realized that the video she was recording in regards to this incident was not in her folders.

PO Gonzalez testified that she placed § 87(2)(b) in handcuffs without incident and walked her to her police vehicle. During the handcuffing process, PO Gonzalez grabbed § 87(2)(b)'s cell phone because it was in her hands. PO Gonzalez also had § 87(2)(b)'s glasses at this time. PO Gonzalez sat in the back with her as PO Franks drove to the 71<sup>st</sup> Precinct stationhouse. Upon arrival at the 71<sup>st</sup> Precinct stationhouse, PO Gonzalez checked § 87(2)(b) in at the front desk and § 87(2)(b) was placed in the holding cells. PO Gonzalez obtained a 'Security' envelope from the front desk and placed her phone and glasses in it. PO Gonzalez then stored the envelope upstairs in her office because she and her partner had to respond to another job immediately. Later that night, at approximately 11:00pm, when she returned to the 71<sup>st</sup> Precinct stationhouse she gave PO Bueno the security envelope since he was going to be § 87(2)(b)'s arresting officer. PO Gonzalez never went into § 87(2)(b)'s phone or deleted any information from her phone. To her knowledge the only other officer to have possession of § 87(2)(b)'s phone was PO Bueno and she had no knowledge of him going into her phone or deleting any information from her phone. (Board Review 13)

PO Bueno testified that after he transported § 87(2)(b) to 71<sup>st</sup> Precinct stationhouse, Lt. Diab informed him that he was going to process three additional arrests from the same incident- § 87(2)(b) and § 87(2)(b). PO Bueno clarified he was not on scene for their apprehensions, and they were already in the holding cells when he was informed of this. PO Bueno stated that since § 87(2)(b) was already in the holding cell when he was informed he would be taking the arrest, she would have had her cell phone and other property taken away from her by another officer- he did not know who this officer would have been. At some point during the night, an officer he didn't recall provided him with a security bag containing § 87(2)(b)'s property, but PO Bueno didn't recall handling § 87(2)(b)'s cell phone. He never gained access into her cell phone and therefore would not have had the opportunity to delete any information from it. PO Bueno had no knowledge of another officer possessing § 87(2)(b)'s phone before him or after him. PO Bueno was not the officer who released § 87(2)(b)'s property to her. (Board Review 02)

PO Clarke, PO Gonzalez, PO Proctor, PO Caraballo, PO Rasool, PO Graffagnino, PO Needham, Sgt. Castillo, Sgt. Naranjo, and Lt. Diab all testified they never had possession of § 87(2)(b)'s phone, never seen who had possession of the phone and had no knowledge of any officer deleting information from it.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been a party to two CCRB complaints and has been named a victim in seven allegations.
  - § 87(2)(b)
  - § 87(2)(b)
- § 87(2)(b) has been a party to two CCRB complaints, but this is the first he has been named a victim. § 87(2)(b)
- This is the first complaint to which § 87(2)(b) has been a party. (Board Review 28)
- This is the first complaint to which § 87(2)(b) has been a party. (Board Review 29)
- PO Bueno has been a member of service for three years and has been a subject in three CCRB complaints and eight allegations, none of which were substantiated.
- PO Owens has been a member of service for three years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated.

- PO Needham has been a member of service for seven years and has been a subject in two CCRB complaints and four allegations, none of were substantiated.
- Lt. Diab has been a member of service for twelve years and has been a subject in sixteen CCRB complaints and thirty-nine allegations, of which three were substantiated.
  - 200800389 involved substantiated allegations of physical force and discourteous action against Lt. Diab. The Board recommended charges and the NYPD imposed a forfeiture of thirty-five vacation days.
  - 201507839 involved substantiated allegations of a stop against Lt. Diab. The Board recommended Formalized Training and the NYPD has not yet imposed discipline.
  - 201803645 involved substantiated allegations of a refusal of name/shield and a stop against Lt. Diab. The Board recommended a Command Discipline A and NYPD has not yet imposed discipline.
- PO Rasool has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On January 24, 2019, a request was made determine if a Notice of Claim was filed in regards to this incident. Confirmation from the Office of the New York City Comptroller will be added to the case file upon receipt.
- According to the Office of Court Administration, § 87(2)(b) has no prior conviction history. (Board Review 30).
- According to the Office of Court Administration, § 87(2)(b) has no prior conviction history. (Board Review 31)
- § 87(2)(b) \_\_\_\_\_  
\_\_\_\_\_
- § 87(2)(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date

